

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

372I0444

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1076** - 02/04/2003

Introduced by: Representatives Madsen, Burg, Cradduck, Elliott, Haverly, Hunhoff, Kroger, Murschel, O'Brien, Olson (Mel), Peterson (Jim), Rhoden, and Teupel and Senators Ham, Dempster, Earley, Knudson, Koetzle, Kooistra, McCracken, Moore, Olson (Ed), Reedy, Sutton (Dan), and Symens

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to energy savings
2 contracts.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 1-33B-7 be amended to read as follows:

5 1-33B-7. The governmental unit shall provide public notice of the meeting at which it
6 proposes to award a guaranteed energy savings contract, of the names of the parties to the
7 proposed contract, and of the purpose of the contract. The public notice shall be by legal
8 newspaper as provided by chapter 17-2 and be made at least ten days prior to the meeting. After
9 reviewing the report under § 1-33B-4, a governmental unit may enter into a guaranteed energy
10 savings contract with a qualified provider if it finds that the amount it would spend on the energy
11 conservation measures recommended in the proposal would not exceed the amount to be saved
12 in either energy or operation costs, or both, within a ~~ten-year~~ fifteen-year period from the date
13 of installation, if the recommendations in the proposal are followed.

14 Section 2. That § 1-33B-8 be amended to read as follows:



1 1-33B-8. The contract shall include a written guarantee of the qualified provider that either
2 the energy or operating cost savings, or both, will meet or exceed the costs of the energy
3 efficiency measure within ~~ten~~ fifteen years. A qualified provider shall provide a sufficient bond
4 to the governmental unit for the installation and the faithful performance of all the measures
5 included in the contract covering the first two years of the contract. The guaranteed energy
6 savings, projected for any additional year of the contract, shall be guaranteed by the qualified
7 provider. The qualified provider shall reimburse the governmental entity for any shortfall of
8 guaranteed energy savings projected in the contract. The guaranteed energy savings contract may
9 provide for payments over a period not exceeding ~~ten~~ fifteen years.